

Docket No.: 614.1921

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tadao NAKAZAWA, et al.

Serial No. 09/248,103

Group Art Unit: 2633

Confirmation No. 8397

Filed: February 11, 1999

Examiner: A. Bello

For: ACOUSTO-OPTICAL TUNABLE FILTERS CASCADED TOGETHER

REPLY BRIEF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer mailed December 30, 2003.

Serial No. 09/248,103

As recognized by the Examiner in the Final Office Action and the Examiner's Answer, Gaudino fails to specifically teach that the phase of a beat generated by the RF signals applied to the first optical filter is different than a phase of a beat generated by the RF signals applied to the second optical filter. Therefore, the Examiner combines Gaudino with Thompson to reject the claimed invention.

The Applicants would like to re-emphasize that, as indicated in the Appeal Brief, Gaudino relates to AOTFs cascaded together in a node architecture for adding/dropping wavelengths of a wavelength division multiplexed (WDM) light. By contrast, Thompson relates to the use of acoustooptic devices *in a laser or other optical resonator to produce wavelength-dependent deflection*. A node for adding/dropping wavelengths of a WDM light is a substantially different device than an optical resonator. Therefore, for the reasons discussed in the Appeal Brief, it is respectfully submitted that Gaudino and Thompson are non-analogous art.

To further emphasize that Gaudino and Thompson are non-analogous art, and to supplement arguments in the Appeal Brief indicating that there is no suggestion in either Gaudino or Thompson to combine the references in the manner described by the Examiner, please also note that the light processed by the AOTFs in Gaudino is WDM light. By contrast, the light in Thompson is resonating light inside a laser cavity. This resonating light in Thompson is not WDM light. Accordingly, the underlying nature and objects of the inventions of Gaudino and Thompson are substantially different.

In view of the above, it is respectfully submitted that the arguments in the Appeal Brief are sufficient for rebutting the comments of the Examiner in the Examiner's Answer.

Respectfully submitted,

STAAS & HALSEY LLP

Date: January 29, 2004

By: Paul I. Kravetz
Paul I. Kravetz
Registration No. 35,230

1201 New York Avenue, N.W., Suite 700
Washington, D.C. 20005
(202) 434-1500